

edge of financial and capital market formation or regulation, financial market structures or surveillance, or information technology.

(b) APPOINTMENT AUTHORITY.—

(1) IN GENERAL.—The Commission may appoint candidates to any position described in subsection (a)—

(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

(2) RULE OF CONSTRUCTION.—The appointment of a candidate to a position under authority of this subsection shall not be considered to cause such position to be converted from the competitive service to the excepted service.

(c) REPORTS.—No later than 90 days after the end of fiscal year 2003 (for fiscal year 2003) and 90 days after the end of fiscal year 2005 (for fiscal years 2004 and 2005), the Commission shall submit a report with respect to its exercise of the authority granted by subsection (b) during such fiscal years to the Committee on Government Reform and the Committee on Financial Services of the House of Representatives and the Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate. Such reports shall describe the changes in the hiring process authorized by such subsection, including relevant information related to—

(1) the quality of candidates;

(2) the procedures used by the Commission to select candidates through the streamlined hiring process;

(3) the numbers, types, and grades of employees hired under the authority;

(4) any benefits or shortcomings associated with the use of the authority;

(5) the effect of the exercise of the authority on the hiring of veterans and other demographic groups; and

(6) the way in which managers were trained in the administration of the streamlined hiring system.

(d) COMMISSION DEFINED.—For purposes of this section, the term “Commission” means the Securities and Exchange Commission.

(Added Pub. L. 108-44, §2(a), July 3, 2003, 117 Stat. 842; amended Pub. L. 111-203, title IX, §929G(a), July 21, 2010, 124 Stat. 1855.)

#### Editorial Notes

##### AMENDMENTS

2010—Pub. L. 111-203 substituted “Appointment of candidates to certain positions in the competitive service by the Securities and Exchange Commission” for “Appointment of accountants, economists, and examiners by the Securities and Exchange Commission” in section catchline, added subsec. (a), and struck out former subsec. (a). Prior to amendment, text read as follows: “This section applies with respect to any position of accountant, economist, and securities compliance examiner at the Commission that is in the competitive service.”

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

##### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

#### § 3115. Expedited hiring authority for college graduates; competitive service

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the Office of Personnel Management.

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(b) APPOINTMENT.—

(1) IN GENERAL.—The head of an agency may appoint, without regard to any provision of sections 3309 through 3319 and 3330, a qualified individual to a position in the competitive service classified in a professional or administrative occupational category at the GS-11 level, or an equivalent level, or below.

(2) RESTRICTIONS.—An appointment under paragraph (1) shall be made in accordance with regulations prescribed by the Director.

(c) QUALIFICATIONS FOR APPOINTMENT.—The head of an agency may make an appointment under subsection (b) only if the individual being appointed—

(1) has received a baccalaureate or graduate degree from an institution of higher education;

(2) applies for the position—

(A) not later than 2 years after the date on which the individual being appointed received the degree described in paragraph (1); or

(B) in the case of an individual who has completed a period of not less than 4 years of obligated service in a uniformed service, not later than 2 years after the date of the discharge or release of the individual from that service; and

(3) meets each minimum qualification standard prescribed by the Director for the position to which the individual is being appointed.

(d) PUBLIC NOTICE AND ADVERTISING.—

(1) IN GENERAL.—The head of an agency making an appointment under subsection (b) shall publicly advertise positions under this section.

(2) REQUIREMENTS.—In carrying out paragraph (1), the head of an agency shall—

- (A) adhere to merit system principles;
- (B) advertise positions in a manner that provides for diverse and qualified applicants; and
- (C) ensure potential applicants have appropriate information relevant to the positions available.

(e) LIMITATION ON APPOINTMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the total number of employees that the head of an agency may appoint under this section during a fiscal year may not exceed the number equal to 15 percent of the number of individuals that the agency head appointed during the previous fiscal year to a position in the competitive service classified in a professional or administrative occupational category, at the GS-11 level, or an equivalent level, or below, under a competitive examining procedure.

(2) EXCEPTIONS.—Under a regulation prescribed under subsection (f), the Director may establish a lower limit on the number of individuals that may be appointed under paragraph (1) of this subsection during a fiscal year based on any factor the Director considers appropriate.

(f) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Director shall issue interim regulations, with an opportunity for comment, for the administration of this section.

(g) REPORTING.—

(1) IN GENERAL.—Not later than September 30 of each of the first 3 fiscal years beginning after the date of enactment of this section, the head of an agency that makes an appointment under this section shall submit a report to—

- (A) Congress that assesses the impact of the use of the authority provided under this section during the fiscal year in which the report is submitted; and
- (B) the Director that contains data that the Director considers necessary for the Director to assess the impact and effectiveness of the authority described in subparagraph (A).

(2) CONTENT.—The head of an agency shall include in each report under paragraph (1)—

- (A) the total number of individuals appointed by the agency under this section, as well as the number of such individuals who are—
  - (i) minorities or members of other under-represented groups; or
  - (ii) veterans;
- (B) recruitment sources;
- (C) the total number of individuals appointed by the agency during the applicable fiscal year to a position in the competitive service classified in a professional or administrative occupational category at the GS-11 level, or an equivalent level, or below; and
- (D) any additional data specified by the Director.

(h) SPECIAL PROVISION REGARDING THE DEPARTMENT OF DEFENSE.—

(1) AUTHORITY.—Nothing in this section shall preclude the Secretary of Defense from exercising any authority to appoint a recent graduate under section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580), or any applicable successor statute.

(2) REGULATIONS.—Any regulations prescribed by the Director for the administration of this section shall not apply to the Department of Defense during the period ending on the date on which the appointment authority of the Secretary of Defense under section 1106 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580), or any applicable successor statute, terminates.

(Added Pub. L. 115-232, div. A, title XI, § 1108(a), Aug. 13, 2018, 132 Stat. 2006.)

### Editorial Notes

#### REFERENCES IN TEXT

GS-11, referred to in subssecs. (b)(1), (e)(1), and (g)(2)(C), is contained in the General Schedule which is set out under section 5332 of this title.

The date of enactment of this section, referred to in subssecs. (f) and (g)(1), is the date of enactment of Pub. L. 115-232, which was approved Aug. 13, 2018.

Section 1106 of the National Defense Authorization Act for Fiscal Year 2017, referred to in subsec. (h), is section 1106 of Pub. L. 114-328, which is set out as a note preceding section 1580 of Title 10, Armed Forces.

### § 3116. Expedited hiring authority for post-secondary students; competitive service

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the Office of Personnel Management.

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) STUDENT.—The term “student” means an individual enrolled or accepted for enrollment in an institution of higher education who is pursuing a baccalaureate or graduate degree on at least a part-time basis as determined by the institution of higher education.

(b) APPOINTMENT.—

(1) IN GENERAL.—The head of an agency may make a time-limited appointment of a student, without regard to any provision of sections 3309 through 3319 and 3330, to a position in the competitive service at the GS-11 level, or an equivalent level, or below for which the student is qualified.

(2) RESTRICTIONS.—An appointment under paragraph (1) shall be made in accordance with regulations prescribed by the Director.

(c) PUBLIC NOTICE.—

(1) IN GENERAL.—The head of an agency making an appointment under subsection (b) shall publicly advertise positions available under this section.

(2) REQUIREMENTS.—In carrying out paragraph (1), the head of an agency shall—

- (A) adhere to merit system principles;
- (B) advertise positions in a manner that provides for diverse and qualified applicants; and